



Appeal Decision

Site visit made on 10 December 2024

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2024

Appeal Ref: APP/B0230/D/24/3349463

24 Runfold Avenue, Luton, LU3 2EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Chandana Karunadhara against the decision of Luton Borough Council.
 - The application Ref is 24/00274/FULHH.
 - The development proposed is single-storey 6m rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was lodged a revised National Planning Policy Framework (the Framework) has been published. Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal, and that proceeding without seeking further comments from the parties would not be prejudicial to their cases.
3. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form a different wording has been entered, but as the parties have not provided written confirmation that a revised description of development has been agreed I have used the one given in the original application.

Main Issues

4. The main issues are the effect of the proposal on (1) the character and appearance of the appeal property and the surrounding area; (2) flood risk; and (3) the living conditions of neighbouring residents, with particular reference to access to light and outlook.

Reasons

Character and Appearance

5. The appeal property is a semi-detached dwelling within a residential area. The dwelling has a small rear lean-to similar to that on the unattached neighbouring property, No.22. The attached house, No.26, has a flat-roofed single-storey rear extension built up to the shared boundary.

6. The footprint of the original dwelling is reasonably compact, and the proposed extension would appear overly deep and disproportionate in comparison. Despite being single storey, this depth would create an unacceptably dominant addition that would be inconsistent with the scale, mass and design of the principal dwelling, as required by Policy LLP19 of the Luton Local Plan 2011 – 2031 (2017) (LP). This effect would not be mitigated by the proposed height, flat-roof, and use of matching materials.
7. The extension would not adversely affect the street scene, as gates and the spacing of buildings would limit views from Runfold Avenue. As noted by the appellant, the private garden hinterland area is more varied than the front, and has a mix of extensions, alterations and outbuildings. However, none in the immediate vicinity appear to be of the depth proposed, and I do not consider that the extension would be homogenous with the context and setting as suggested. It would not be of ancillary scale to the original/principal dwelling, as required by LP Policy LLP19. The Framework and LP Policy LLP25 both seek buildings of high quality design, and for the reasons outlined above the proposal would conflict with these requirements.
8. I therefore conclude that the proposal would detract from the character and appearance of the appeal property and the surrounding area, contrary to the Framework and LP Policies LLP19 and LLP25, and would not preserve or improve the character of the area, as required by LP Policy LLP1.

Flood Risk

9. The appeal property is located within Flood Zone 2. Paragraph 181 of the Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere, and that where appropriate, applications should be supported by a site-specific flood-risk assessment (FRA); with footnotes 62 and 63 of that document advising that this applies for all development in Flood Zones 2 and 3, including householder development. The need for a FRA in this case was confirmed in the consultation response of the Lead Local Flood Authority.
10. Part of the purpose of an FRA is to ensure that the development itself would be flood resistant and resilient, but also to demonstrate that it would not increase the risk of flooding elsewhere. As no FRA has been supplied, I cannot be sure that this would be the case with the proposal. I note the appellant's view that pre-commencement conditions would ensure the preparation of an assessment, together with any mitigating measures, but this is a matter which would need to be assessed as part of the determination process; mitigation could materially affect the design and layout of a development, or indeed its acceptability in principle.
11. I therefore conclude that, in the absence of a FRA, it has not been demonstrated that the proposal would be acceptable in terms of its impact on flood risk, contrary to the Framework. On this point, I have found no conflict with LP Policy LLP38 cited in the reason for refusal, as that policy seeks to address matters of pollution, contamination and land stability. However, this does not alter my assessment.

Living Conditions

12. Although the proposal would project rearwards of the extension to the attached house, I do not consider that the effect on the living conditions of residents of that

property would be so significant as to justify withholding permission. Although the proposal would be positioned to the south of No.26, the reasonably limited projection beyond would not significantly affect access to light or appear visually intrusive. The outlook of that property would be preserved. Although the Council's officer report notes that the proposal would significantly impact the 45 degree line of outlook from the rear of No. 26, no policy or guidance has been identified as part of this appeal which requires compliance with this measure.

13. The proposal would project deeply beyond the rear of No.22, to the south of the site. However, both properties are set away from the fenced boundary in between, and the same would apply to the proposal. The small lean-to behind No.22 would also provide some buffer from the development. Whilst the proposed extension would be visible from the rear of No.22, it would not be so close as to be unacceptably intrusive, and the outlook would largely be preserved. The orientation means that light loss to that property would not arise.
14. I therefore conclude that the proposal would not diminish the access to light and outlook for neighbouring residents to a degree that living conditions would be harmed. It would not conflict with the overarching principles of LP Policies LLP1 and LLP25, nor LP Policy LLP19, which seeks to ensure that an extension does not adversely affect the amenity of nearby occupiers in respect of visual intrusion and loss of light. It would accord with the Framework, which requires developments to create places with a high standard of amenity for existing and future users.
15. However, this does not alter my conclusions on the other main issues.

Conclusion

16. For the reasons given above the appeal should be dismissed.

H Lock

INSPECTOR